

COMMISSION MEETING MINUTES  
August 30, 2016

The Board of Davis County Commissioners met on August 30, 2016 at 10 AM in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Members present were: Commissioner John Petroff, Jr. - Chair, Commissioner Jim Smith, Commissioner P. Bret Millburn, Clerk/Auditor Curtis Koch, Chief Deputy County Attorney Neal Geddes and Deputy Clerk/Auditor Janet Hanson.

Agenda as posted

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PUBLIC NOTICE is hereby given that the Board of Davis County Commissioners, Farmington, Utah, will hold a Commission Meeting at the Davis County Administration Building, 61 South Main Street, Room 303, Farmington, Utah, commencing at **10:00 a.m. on Tuesday, August 30, 2016.**

OPENING

Pledge of Allegiance – By Invitation

RECOGNITIONS, PRESENTATIONS AND INFORMATIONAL ITEMS

- Opening of RFP’s for Davis County Facilities Management 2016 Asphalt Repairs

BUSINESS/ACTION

**Dale Peterson, Davis County Assessor, presenting:**

Ordinance modifying Chapter 3.05, Davis County Code, providing for waiver of personal property tax-related penalties under certain limited circumstances for the 2016 tax year

**Tony Thompson, Davis County Property Manager, presenting:**

Request to declare parcel of land Tax ID 11-004-0059 (1700 E Oakhills Drive, Layton) as surplus property (n/a)  
Real Estate Purchase Contract and Quit Claim Deed to Scot L. Whetman & Jennifer L. Whetman – finalize sale of surplus property Tax ID 11-004-0059 (1700 E Oakhills Drive, Layton) (receivable)

**Brian Hatch, Davis County Health Department Director, presenting:**

Agreement with Utah Dept. of Health – Community-Level PDO (Prescription Drug Overdose) funds for prevention and intervention to decrease opioid abuse, emergency department visits, overdoses, etc. (receivable)

**Chief Deputy Kevin Fielding, Davis County Sheriff’s Office, presenting:**

Agreement with Utah Dept. of Corrections – purchase of facial recognition software (receivable)

**Curtis Koch, Davis County Clerk/Auditor, presenting:**

Amendment with J.P. Morgan – change in credit card fees (payable)

**Commissioner Petroff presenting:**

Joint agreement with Davis County Municipalities giving consent & approval of the appointment of P. Bret Millburn to the Board of Trustees of the Utah Transit Authority (UTA)

BOARD OF EQUALIZATION

Request approval of the Property Tax Register

COMMISSIONER COMMENTS

PUBLIC COMMENTS (3 Minutes per Person)

CONSENT ITEMS

Check Registers  
Meeting Minutes: August 16 & 23, 2016  
Personnel Register

Pledge of  
Allegiance

Dale Peterson, Davis County Assessor, was invited to lead the Pledge of Allegiance. All in attendance were invited to stand and join in.

Opening of RFPs  
for asphalt  
repairs

Curtis Koch and Mack McDonald, Davis County Facilities Director, opened the following RFPs for asphalt repairs for the Central Branch Library in Layton, Legacy Events Center, the DMV and Centerville Branch Library:

Project: **Facilities Asphalt Repair**  
August 30, 2016

	BIDDER	AMOUNT
1.	Maxwell Asphalt	\$355,495.93
2.	Morgan Pavement	\$330,596.85
3.	Eckles Paving	\$370,703.55
4.	Superior Asphalt, LC	\$431,505.00

Mack indicated there will be a selection committee who will review the bids. He will bring their recommendation to the Commission at a future meeting.

Dale Peterson, Davis County Assessor, presented ordinance #3-2016 modifying Chapter 3.05, Davis County Code, providing for waiver of personal property tax-related penalties under certain limited circumstances for the 2016 tax year. He explained this modification will allow them (Assessor's Office) to more equitably apply this waiver for 2016.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Tony Thompson, Davis County Property Manager, presented the following:

Request to declare parcel of land Tax ID 11-004-0059 (1700 E Oakhills Drive, Layton) as surplus property #2016-355. This 6.1 acre parcel of land was struck to the County in 2012 for delinquent taxes of \$23,503.36.

Tony went on to explain the option of selling this piece of property. He indicated Davis County Code 2.42.030(c) exempts out tax sale properties from the surplus ordinance. Utah Code Annotated 59.2.1351.5 deals with how a county may dispose of property brought by the tax sale. In paragraph 1a: "all properties acquired by the county under this part may dispose of for a price and upon terms determined by the county legislative body." Paragraph (1)(d)(iv) refers to monies in excess of maintenance of the property and administration of the property along with the repayment of the taxes back to the different taxing entities as the property is sold; "monies in excess of the claims under this subsection shall be paid to the state treasurer and treated as unclaimed property under Title 67." There is a negotiated contract with an abutting property owner that has been discussing this property with the County for a number of years. A check has been acquired for \$25,000.00. There are a couple of different perceptions on the property, 1) Is the size of the property and the amount to be received for the property at market value? 2) The State ordinance requires excess monies to be turned into them as unclaimed properties; 3) If the property is sold at market value, do we become a brokerage for property owners that no longer want to pay taxes on their property, abandon it, bring it to the County to sell and send the money to the state for unclaimed property? The advantage for selling at market value to the County and to the taxing entity is somewhat limited by the State statute. Commissioner Millburn commended Tony for the work he has done to clean up the records and to get the tax sale properties that have been acquired sold and back onto the tax rolls. This property is unique in the fact that it is a fairly large parcel. This is not a buildable parcel as it quite steep, has wetland issues and has no access off of Oakhills Drive. The homes on the north side have experienced some issues, one of which has been condemned because it is sliding. The County would like to be free of this property. There is a process by which it can be declared surplus. There has been interest, as mentioned, from an adjacent property owner to acquire just a portion of the property. The County has been reluctant to dispose just a portion of it because we would still have to take care of a large parcel that there is nothing that can be done with it.

Commissioner Millburn made a motion to approve the parcel of land as surplus. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Millburn indicated that Tony has identified a challenge in the State law as it relates to our County ordinance. Our ordinance is a bit vague in the fact that it does exempt some of the internal process that has been used on parcels for those that have been struck to the County on a tax sale. There is a potential that someone could look at this being a large piece and not getting market value. As mentioned by Tony, the market value versus what it is really valued at, the County ending up acting as a brokerage firm and the monies going to unclaimed is a whole other issue and a very valid one. He would like to bring this up with

our legal office and with Utah Association of Counties, believing that we are not the only county that deals with this type of issue.

TABLED – real estate purchase contract & QCD

Commissioner Millburn made a motion to table the real estate purchase contract and Quit Claim Deed to Scot L. Whetman and Jennifer L. Whetman. Commissioner Smith seconded the motion. All voted aye.

Agreement #2016-356 UT Dept of Health for PDO funds for prevention & intervention

Brian Hatch, Davis County Health Department Director, presented agreement #2016-356 with the Utah Department of Health for Community-Level PDO (Prescription Drug Overdose) funds for prevention and intervention to decrease opioid abuse, emergency department visits, overdoses, etc. This will fund staff for outreach in the community for this epidemic. It has been a proven strategy by the CDC. Period of contract is May 1, 2016 through August 31, 2019. Receivable amount is \$251,360.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

TABLED UT Dept of Corrections facial recognition software

Chief Deputy Kevin Fielding, Davis County Sheriff’s Office, presented an agreement with Utah Department of Corrections (UDC) to reimburse the County for the purchase of facial recognition software. The legislature (Senate Bill 3) made the UDC the pass-through entity for these funds. The software adds another level of security when accessing UCJIS database. It is a pilot program for Davis and Weber counties. There would be approximately 40 laptops to purchase licenses for. The older laptops would require cameras. The cost of the software is \$45,000.00. Commissioner Millburn asked: 1) Why didn’t the UDC make the purchase? 2) If it covers the full amount, how long are the licenses for? and 3) Will the funding be there in the future or would it become our cost? Chief Fielding thought with it being a pilot program it was one-time funding and if the license goes away the software goes away. Mark Langston, Information Systems Director, did sign off on the document and is very familiar with it.

Commissioner Millburn made a motion to table the agreement to gather more information. Commissioner Smith seconded the motion. All voted aye.

Amendment #2003-261A JP Morgan Re: County issued credit cards fees

Curtis Koch presented amendment #2003-261A with J.P. Morgan for County issued credit cards. He explained that they changed the billing cycle from 30 days to 28 days and that there is a change in fees which would have to be opted into, which will not be happening. Period contract is March 17, 2017 until terminated.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Consent agreement #2016-357 appointment of P. Bret Millburn to the UTA Bd of Trustees

Commissioner Petroff presented consent agreement #2016-357 and approval of the appointment by the Chair of the Davis County Council of Governments, Inc. (representing the municipalities of Davis County) of the appointment of P. Bret Millburn to the Utah Transit Authority (UTA) Board of Trustees. It is a 4-year term, August 2016 – August 2020. Commissioner Smith said that it is a difficult board to serve on and that Commissioner Millburn is doing a great job representing Davis County and the State.

Commissioner Smith made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Petroff feels that the UTA is a great organization and that Commissioner Millburn has done a great job. Commissioner Millburn said it was an honor and privilege to serve in that capacity. UTA does tremendous service here in Davis County and across the Wasatch Front. Commissioner Petroff noted that a UTA representative was recently honored for securing a \$20 million TIGER grant to upgrade hundreds of projects.

BOE

Commissioner Millburn made a motion to convene as the Board of Equalization. Commissioner

	Smith seconded the motion. All voted aye.
Property Tax Register approved	<p>Curtis Koch presented the Property Tax Register which reflected 5 veteran abatements for \$6,561.83 and 3 property tax abatements because the property does not exist for \$395.62.</p> <p>Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye.</p>
Reconvene	<p>Commissioner Smith made a motion to reconvene Commission Meeting. Commissioner Millburn seconded the motion. All voted aye.</p>
Check registers approved	<p>Check registers as prepared by the Davis County Clerk/Auditor’s Office was approved with a motion by Commissioner Millburn. Commissioner Smith seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.</p>
Commission Meeting minutes approved	<p>Commissioner Millburn made a motion to approve the Commission Meeting minutes for August 16 &amp; 23, 2016. Commissioner Smith seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.</p>
Personnel Register approved	<p>Commissioner Millburn made a motion to approve the Personnel Register. Commissioner Smith seconded the motion. All voted aye.</p>
Commissioner comments	<p>Commissioner comments:</p> <p>Commissioner Millburn had the opportunity for transit-related travel with Wasatch Front Regional Council, Layton Mayor Bob Stevenson and Utah County representatives to Boulder and Ft. Collins, Colorado. “It was great to experience what those communities have done in the arena of bicycle and pedestrian movement, which is “Active Transportation”. It is remarkable how citizens are utilizing these systems and the positive impact on the communities in a variety of ways, i.e. fitness, clean air. The experience provided great insight with what we do, particularly with Proposition 1 monies that will be at our disposal now. I plan to get out and bike more.”</p>
Commissioner Petroff	<p>Commissioner Petroff said it wasn’t long ago, here on the Wasatch Front, that Active Transportation was not talked about. Now, it is one of the most effective committees.</p> <p>He indicated that tomorrow there will be a ribbon cutting for the Layton Interchange, aka the Interchange of Hell (by the mall). He remembered that approximately 8 years ago was when the Legacy Highway had its grand opening. He was on the overpass at 500 South (Bountiful) and watched Governor Huntsman ride down the highway on his motorcycle. He then gave a speech. “It was a long hard slog getting that highway through. Now we have been engaged in that same thing the last 4-5 years on the West Davis Corridor. “Soon, we should be seeing a preferred alignment issued and a record of decision. If we do, we will have the opportunity to really help the transportation needs in Davis County by having that, making it so much better for those living on the west side. Things take a long time to get done but eventually it does. UDOT does an amazing job.” He suggested going to Layton to see how the intersection is today and remember how it was and realize what an amazing job UDOT has done. “UDOT is getting beat up for their turn-arounds, but it will work.”</p>
Curtis Koch	<p>Curtis Koch indicated his office is preparing for the election. As they see more media reports about security of elections, his office would welcome the questions. This morning the media threw out catch phrases like “hack”. He would really like the media to talk to the election officials before they start throwing those terms around. You may be able to get into a voter database but that does not change how the election is administered or the outcome of it. He encourages those individuals with concerns to come view their process. It is transparent and open. They have security in place to insure the integrity of the elections.</p>

No public  
comments

Adjourned

No public comment.

Meeting adjourned.

Clerk/Auditor

Chair